

*McKeena J.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADELPHIA RECOVERY TRUST,

Plaintiff,

- against -

BANK OF AMERICA, N.A., *et al.*,

Defendants.  
-----X

No. 05 Civ. 9050 (LMM)

USDC SDNY  
DOCUMENT  
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*ORDER*

**NOTICE OF DISMISSAL WITH PREJUDICE AGAINST THE NON-AGENT  
LENDERS, ADDITIONAL NON-AGENT LENDERS, AND ALL REMAINING  
DEFENDANTS OTHER THAN GOLDMAN, SACHS & CO.**

PLEASE TAKE NOTICE that pursuant to the Order With Respect To Settlement Agreement Between The Adelpia Recovery Trust And The Non-Agent Lenders and Additional Non-Agent Lenders, dated December 15, 2010, the following defendants (which do not include Goldman Sachs & Co.) are dismissed from this action with prejudice and without costs to any party: Abbey National Treasury Services PLC, Addison CDO, Ltd., AG Capital Funding Partners, L.P., AIG Retirement Services, Inc., AIG Retirement Services, Inc. (sued as SunAmerica, Inc.), AIM Floating Rate Fund, Alexandra Global Master Fund Ltd., Allstate Life Insurance Company, Alpha US Sub Fund II, LLC, Amaranth Fund, L.P., Ameriprise Certificate Company, Ameriprise Certificate Company (f/k/a American Express Certificate Company), AMMC CLO V, Limited, AMMC CLO VI, Limited, Anthem Southeast Inc. (as successor by merger to Trigon Healthcare, Inc.), Apex (IDM) CDO I, Ltd, Archimedes Funding II Ltd, Archimedes Funding III Ltd., Archimedes Funding IV (Cayman), Ltd., Ares Enhanced Credit Opportunities Fund Ltd., ARES III CLO Ltd., ARES IV CLO Ltd., Ares Leveraged Investment Fund II, LP, Ares Leveraged Investment Fund, L.P., ARES V CLO

Ltd., Ares VI CLO Ltd., Athena CDO, Ltd., Augusta Trading LLC, Avalon Capitol Ltd. 3 (f/k/a Avalon Capital Ltd. 2), Avenue Special Situations Fund II, L.P., Battery Park High Yield Long Short Fund, Ltd., Battery Park High Yield Opportunity Master Fund, Ltd., Bayerische Hypo und Vereinsbank, AG, New York Branch, Bayerische Landesbank (f/k/a Bayerische Landesbank Girozentrale), BBT Fund, L.P., Bear Stearns Credit Products Inc., Bear Stearns Investment Products Inc., Belhurst CLO Ltd. (f/k/a Avalon Capitol Ltd.), Black Diamond CLO 2000-1, Ltd., BlackRock Corporate High Yield Fund III, Inc. (f/k/a Corporate High Yield Fund III, Inc.), BlackRock Corporate High Yield Fund V, Inc. (f/k/a Corporate High Yield Fund V, Inc.), BlackRock Corporate High Yield Fund VI, Inc. (f/k/a Corporate High Yield Fund VI, Inc.), BlackRock Corporate High Yield Fund, Inc. (f/k/a Corporate High Yield Fund, Inc.), BlackRock Debt Strategies Fund (f/k/a Debt Strategies Fund II, Inc.), BlackRock Floating Rate Income Strategies Fund II, Inc., BlackRock Floating Rate Income Strategies Fund, Inc., BlackRock Floating Rate Income Strategies Fund, Inc. (f/k/a Floating Rate Income Strategies Fund, Inc.), BlackRock Global Floating Rate Income Trust, BlackRock Global Investment Series: Bank Loan Income Portfolio, BlackRock Limited Duration Income Trust, BlackRock Senior Floating Rate Fund, Inc. (f/k/a Merrill Lynch Senior Floating Rate Fund, Inc.), BlackRock Senior High Income Fund, Inc. (f/k/a Senior High Income Portfolio, Inc.), BlackRock Senior Income Series, BlackRock Senior Income Series III, BlackRock Senior Loan Trust, Blue Cross of California, Blue Square Funding Limited Series 3, Boston Income Portfolio, The Broad Foundation, California Public Employees Retirement System, Camulos Master Fund LP, Canpartners Investments IV LLC, Cap Fund, L.P., Captiva III Finance Ltd., Captiva IV Finance, Ltd., Carlyle High Yield Partners II, Ltd., Carlyle High Yield Partners III, Ltd.,

Carlyle High Yield Partners IV, Ltd., Carlyle High Yield Partners, L.P., Carlyle Loan Investment Ltd, Castlerigg Master Investments Ltd., Centurion CDO II, Ltd., Centurion CDO III, Limited, Charter View Portfolio, Citi GoldenTree Ltd , Clydesdale CLO 2001 - I Ltd., Cohanzick Credit Opportunities Master Fund, Ltd., Columbus Nova Capital Master Fund Ltd., Concordia MAC29 Ltd., Concordia Partners, LP (f/k/a Concordia Distressed Debt Fund, LP), Confluent 2 Limited, Confluent 3 Limited, Contrarian Funds, LLC, Costantinus Eaton Vance CDO V Ltd., Credit Industriel et Commercial, CSAM Funding I, CSAM Funding II, Cypress Point Trading LLC, DB Holdings (New York), Inc., DB Structured Products, Inc., DB Structured Products, Inc. (f/k/a Deutsche Bank Sharps Pixley, Inc.), D. E. Shaw Laminar Portfolios, L.L.C., Debt Strategies Fund III, Inc., Debt Strategies Fund, Inc., Debt Strategies, Inc., Delano Company, Deutsche Bank AG Cayman Islands, Deutsche Bank AG London, Dryden High Yield CDO 2001-I, Dryden Leveraged Loan CDO 2002-II, DZ Bank AG Deutsche Zentral-Genossenschafts Bank, DZ Bank AG Deutsche Zentral-Genossenschaftsbank (f/k/a DG Bank Deutsche Genossenschaftsbank AG), DZ Bank AG Deutsche Zentral-Genossenschaftsbank, Frankfurt Am Main (Successor-By-Merger To DG Bank Deutsche Genossenschaftsbank AG), Eagle Master Fund, Ltd., Eaton Vance CDO II, Ltd., Eaton Vance CDO III, Ltd., Eaton Vance CDO IV, Ltd., Eaton Vance Institutional Senior Loan Fund, Eaton Vance Senior Income Trust, ECO Master Fund Ltd, Elf Funding Trust I, Elf Funding Trust I (f/k/a Elf Funding Trust), Mr. Eli Broad, ELT Ltd., Emerald Orchard Limited, Endurance CLO I, Ltd., EOS Partners, LP, Erste Bank Der Oesterreichischen Sparkassen AG, Erste Bank, New York Branch, FC CBO IV Limited, Fernwood Associates LLC (f/k/a Fernwood Associates LP), Fidelity Advisor Series I -- Fidelity Advisor Balanced Fund, Fidelity Advisor Series I -- Fidelity Advisor Floating Rate

High Yield, Fidelity Advisor Series I -- Fidelity Advisor High Income Fund (f/k/a Fidelity Advisor Series Fidelity Advisor High Income Fund), Fidelity Advisor Series I -- Fidelity Floating Rate High Income Fund (f/k/a Fidelity Advisor Series II -- Fidelity Floating Rate High Income Fund), Fidelity Advisor Series II - Strategic Income Fund, Fidelity Advisor Series II: Fidelity Advisor Strategic Income, Fidelity Central Investments Portfolios II, LLC: Floating Rate Central Fund, Fidelity Central Investments Portfolios II, LLC: High Income Central Fund, Fidelity Charles Street Trust - Fidelity Asset Manager 50%, Fidelity Charles Street Trust - Fidelity Asset Manager 70%, Fidelity Puritan Trust: Fidelity Puritan Fund, Fidelity Puritan Trust: Fidelity Balanced Fund, Fidelity Summer Street Trust - Fidelity High Income Fund, Fidelity Summer Street Trust: Fidelity Capital & Income Fund, First Dominion Funding I, First Dominion Funding II, First Dominion Funding III, First Trust/Four Corners Senior Floating Rate Income Fund ("FCM"), First Trust/Four Corners Senior Floating Rate Income Fund II ("FCT"), First Trust/Highland Capital Floating Rate Income Fund II, Foothill Group Inc., f/k/a Foothill Income Trust II, LP, Fortis Capital Corp., Fortis Capital Corp. (f/k/a Meespierson Capital Corp.), Franklin CLO I, Limited, Franklin CLO II, Limited, Franklin CLO III, Limited, Franklin Floating Rate Daily Access Fund (individually and as successor to Franklin Floating Rate Trust's interests in the credit facilities at issue), Franklin Floating Rate Master Series, Gabriel Capital, L.P., Gleneagles Trading LLC, GoldenTree 2004 Trust, GoldenTree Credit Opportunities Financing I, Ltd. (f/k/a GoldenTree Credit Opportunities), GoldenTree Credit Opportunities Financing II, Limited, GoldenTree Master Fund, Ltd. (f/k/a GoldenTree High Yield Master Fund, Ltd.), GoldenTree High Yield Opportunities I, L.P., GoldenTree High Yield Opportunities II, L.P., GoldenTree High Yield Value Master Fund, L.P., GoldenTree Loan Opportunities I, Ltd., GoldenTree

Loan Opportunities II, Ltd., GoldenTree Master Fund II, Ltd. (f/k/a GoldenTree High Yield Master Fund II, Ltd.), GoldenTree Master Fund, Ltd., GoldenTree Master Fund, Ltd. (f/k/a GoldenTree Master Fund), GoldenTree Multistrategy Financing, Ltd., GPC LVIII, LLC, Gracie Capital, L.P., Grand Central Asset Trust, SOLA Series, Granite Finance Limited, Grayson & Co., Greenwich International, Ltd., Greywolf Loan Participation LLC, GSC Recovery II, LP, GSC Recovery IIA, LP, Hamilton CDO Ltd., Hampton Funding LLC, Harbour Town Funding, LLC, The Hartford Floating Rate Fund, The Hartford Mutual Funds, Inc.,

High Income Opportunitites Portfolio, Highland Credit Opportunities CDO, Ltd., Highland Credit Strategies Master Fund, L.P., Highland Credit Strategies Fund, Highland Floating Rate Advantage Fund, Highland Floating Rate Advantage Fund (f/k/a Liberty-Stein Roe Advisor Floating Rate Advantage Fund), Highland Floating Rate Fund (f/k/a Highland Floating Rate Fund LLC), Highland Floating Rate Fund (f/k/a Highland Floating Rate LLC f/k/a Stein Roe Floating Rate Limited Liability Company), Highland Legacy Limited, Highland Loan Funding V Ltd, Highland Offshore Partners, LP, Illinois Municipal Retirement Fund, ING International (II) Senior Bank Loans Euro (includes ING International (II) - Senior Bank Loans USD due to a merger), ING Prime Rate Trust (f/k/a Pilgrim America Prime Rate Trust), ING Prime Rate Trust (f/k/a Pilgrim Prime Rate Trust), ING Senior Income Fund, ING Senior Income Fund (f/k/a ING Pilgrim Senior Income Fund), ING Senior Income Fund (f/k/a Pilgrim Senior Income Fund), J.H. Whitney Market Value Fund, L.P., Jackson National Life Insurance Company, Jissekikun Funding, Ltd., Jupiter Loan Funding LLC, Kaldi Funding LLC, Katonah I, Ltd., Katonah II, Ltd, Katonah III, Ltd., Kennett Capital, Inc., King Street Capital Management, Knight CBNA Loan

Funding, KZH Highland-2 LLC, KZH Pamco LLC, Latigo Master Fund, Ltd., Lehman Brothers Holdings Inc., Lehman Commercial Paper Inc., Lehman Syndicated Loan Funding Trust, Libertyview Funds, LP, LL Peachtree Funding LLC, Loan Funding IX LLC, Long Lane Master Trust II, Long Lane Master Trust IV, Longacre Capital Partners (QP), L.P., Longacre Master Fund Ltd., Longhorn CDO (Cayman) Ltd., Longhorn II CDO (Cayman) Ltd., Macquarie/First Trust Global Infrastructure Utilities Dividend & Income Fund, Magnetite Asset Investors III LLC, Magnetite Asset Investors LLC, Magnetite IV CLO, Limited, Mainstay Floating Rate Fund, Manufacturers and Traders Trust Company (successor-in-interest to Allfirst Bank, FMB Bank and The First National Bank of Maryland), Master Senior Floating Rate Trust, McDonnell Loan Opportunity Ltd., Merrill Lynch Debt Strategies Fund II, Inc., Merrill Lynch Global Investment Series: Income Strategies Portfolio, Merrill Lynch Senior Floating Rate Portfolio, MetLife Insurance Company of Connecticut (f/k/a The Travelers Insurance Company), ML CLO XV Pilgrim America (Cayman) Ltd., ML CLO XX Pilgrim America (Cayman) Ltd., Monarch Debt Recovery Master Fund Ltd. (f/k/a QDRF Master, Ltd.), Monarch Master Funding Ltd. (f/k/a Quadrangle Master Funding Ltd.), Monument Capital, Ltd., Morgan Stanley Emerging Markets Inc., Morgan Stanley Prime Income Trust, Morgan Stanley Prime Income Trust (f/k/a Morgan Stanley Dean Witter Prime Income Trust), Muirfield Trading, LLC, MW Post Portfolio Fund, Ltd., National Westminster Bank PLC, Natixis, New York Branch, Nautique Funding Ltd., Nemean CLO, Ltd., New Alliance Global CDO, Limited, New York Life Insurance and Annuity Corporation, New York Life Insurance Company, Nomura Bond & Loan Fund, Northwoods Capital II, Ltd., Northwoods Capital III, Ltd., Northwoods Capital, Ltd., Nuveen Floating Rate Income Fund, Nuveen Floating Rate Income Opportunity Fund,

Nuveen Senior Income Fund, Oak Hill CLO Management I LLC, Oak Hill Credit Alpha Fund (Offshore), Ltd., Oak Hill Credit Alpha Fund, LP, Oak Hill Credit Partners I, Limited, Oak Hill Securities Fund II, L.P., Oak Hill Securities Fund, L.P., Oak Mountain Limited, Oligra43, Olympic Funding Trust, Series 1999-1, One East Partners Master, L.P., Oryx CLO, Ltd., Owl Creek Asset Management, L.P., Oxford Strategic Income Fund, Pam Capital Funding LP, Pamco Cayman Ltd., Payden High Income Fund (f/k/a High Income Fund), Payden Opportunity Bond Fund (f/k/a The Total Return Fund), Perry Principals, LLC, Pilgrim America High Income Investments Ltd., Pilgrim CLO 1999-I Ltd., PIMCO Corporate Income Fund, PIMCO High Yield Fund, Pinehurst Trading, Inc., Pioneer Floating Rate Trust, Plainfield Special Situations Master Fund Limited, Post Distressed Master Fund, L.P. (f/k/a Post Distressed Fund, L.P. f/k/a Post Opportunity Fund, L.P.), Post Distressed Master Fund, L.P. (f/k/a Post Distressed Offshore Fund, Ltd. f/k/a MW Post Opportunity Offshore Fund, Ltd. And Post Opportunity Offshore Fund, Ltd.), Post Strategic Master Fund, L.P. (f/k/a Post Strategic Fund, L.P. f/k/a Post High Yield, L.P.), Post Strategic Master Fund, L.P. (f/k/a Post Strategic Fund II, L.P. f/k/a Post Balance Fund, L.P.), Post Total Return Master Fund, L.P., PPM Shadow Creek Funding LLC, PPM Spyglass Funding Trust, Principal Life Insurance Company, Prudential Insurance Company of America, Pyramis High Yield Bond Commingled Pool (f/k/a Fidelity High Yield Bond Collective Trust), Pyramis High Yield LLC (f/k/a Fidelity Institutional High Yield), Quantum Partners LLC, Race Point CLO Limited, Raintree Trading LLC, Raven Credit Opportunities Master Fund, Ltd., Redwood Master Fund, Ltd., Reliance Standard Life Insurance Company, Resolution Master Fund LP, Restoration Funding CLO, Ltd., Reynolds American Defined Benefit Master Trust, Reynolds American Defined Benefit Master Trust (f/k/a B&W Master

Tobacco Fund), RiverSource Life Insurance Company (f/k/a IDS Life Insurance Company), Riviera Funding LLC, Rosemont CLO, Ltd., Royal Bank of Canada, Royalton Company, Safety National Casualty Corp., Sandler Associates, Sandler Communications Offshore Fund, Inc. (now known as Sandler Offshore Fund, Inc.), Sankaty High Yield Asset Partners II, L.P., Sankaty High Yield Asset Partners III, L.P., Sankaty High Yield Asset Partners, L.P., Saratoga CLO I Ltd., Satellite Senior Income Fund II, LLC, Satellite Senior Income Fund LLC, Sawgrass Trading LLC, Scudder Floating Rate Fund (f/k/a Kemper Floating Rate Fund), Security Income Fund-Income Opportunity Series, SEI Institutional Investors Trust (SIIT), SEI Institutional Managed Trust (SIMIT), Seminole Funding LLC, Seneca Capital, LP, Senior Debt Portfolio, Sequils - ING (HBDGM) Ltd., Sequils - Pilgrim I, Ltd., Sequils-Centurion V, Ltd., Sequils-Magnum, Ltd., Silver Oak Capital, LLC, Skandinaviska Enskilda Banken AB (publ), SOF Investments, L.P., SOL Loan Funding LLC, South Dakota Retirement System, SPCP Group LLC, Spectrum Investment Partners LP, SRF 2000, Inc., SRF Trading, Inc., SRI Fund, L.P., SRV-Highland, Inc., Stanfield CLO Ltd., Stanfield/RMF Transatlantic CDO Ltd., Stanwich Loan Funding LLC, Stephen Adams Living Trust, Strand Funding, Sumitomo Mitsui Banking Corporation, Sumitomo Mitsui Banking Corporation (f/k/a The Sumitomo Bank, Limited), Sun Life Assurance Company of Canada (U.S.), Successor by merger to Keyport Life Insurance Company, SunAmerica Life Insurance Company, T. Rowe Price High Yield Fund, T. Rowe Price Institutional High Yield Fund, The Opportunity Fund, LLC, The President & Fellows of Harvard College, The President & Fellows of Harvard College (Ref Harvard Special Situations Account), The Regents of the University of California, The Sumitomo Trust & Banking Co. Ltd., The Sumitomo Trust & Banking Co. Ltd., N.Y. Branch, Third Avenue Trust, Third Avenue Trust on behalf of the



Third Avenue Value Fund Series, Thracia LLC, Transamerica Life Insurance Company, Transamerica Partners High Yield Bond Portfolio f/k/a Diversified Investors High Yield Bond Portfolio, Trilogy Portfolio Company LLC, TRS Callisto LLC, TRS Elara LLC, TRS Plainfield LLC, TRS Thebe LLC, Tuscany CDO, Ltd., Tyler Trading, Inc., U.S. Bank National Association, U.S. Bank National Association, as successor to Firststar Bank, N.A., United of Omaha Life Insurance Co., University of Chicago, Van Kampen Senior Income Trust, Van Kampen Senior Loan Fund, Van Kampen Senior Loan Fund (f/k/a Van Kampen American Capital Prime Rate Trust), Van Kampen Senior Loan Fund (f/k/a Van Kampen Prime Rate Income Trust), Van Kampen Senior Loan Fund (f/k/a Van Kampen Senior Floating Rate Fund), Variable Insurance Products Fund V -- VIP Asset Manager Growth Portfolio, Variable Insurance Products Fund V -- VIP Asset Manager Portfolio, Variable Insurance Products Fund: High Income Portfolio, Venture CDO 2002, Limited, Wasatch CLO Ltd. (f/k/a Sequils-Liberty, Ltd.), Waterville Funding LLC, Whippoorwill Distressed Opportunity Fund, L.P., Whippoorwill Offshore Distressed Opportunity Fund, Ltd., Whitney Private Debt Fund, L.P., Winged Foot Fund Trust, York Capital Management, L.P. (the "Non-Agent Lenders"), National City Bank (f/k/a National City Bank of Pennsylvania), Continental Casualty Company, Great American Insurance Company, Great American Life Insurance Company, Grand Central Asset Trust, HLD Series, Grand Central Asset Trust, SOH Series, TRS IO LLC (the "Additional Non-Agent Lenders"), Apex (Trimaran) CDO I, Ltd., Caravelle Investment Fund, LLC, Caravelle Investment Fund II, LLC, Marathon Special Opportunity Master Fund, Ltd, and all remaining defendants other than Goldman, Sachs & Co.

March 2, 2011  
New York, New York

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

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So ORDERED : LM 3/3/11  
HON. LAWRENCE M. MCKENNA, USDT